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OFFICE OF PETITIONS

In re Application of
Ivan Labat et al
Application No. 10/821,234
Filed: April 7, 2004
Attorney Docket No. 821A

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed April 12, 2006.

The petition is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reason provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in a matter pending before the Office unless such request or such withdrawal is" for one of the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request that: We are no longer representing the inventor, do not meet any of the conditions set forth in 37 CFR 10.40.

All communications from the Office will continue to be directed to the above address of record until otherwise properly notified by applicant/assignee.

This application is abandoned for failure to timely reply to the Restriction Requirement mailed March 3, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3208.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions

cc:
IVAN LABAT
1006 ASBURY WAY
MOUNTAIN VIEW, CA 94043

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